UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,288	03/12/2002	Konstantinos Samaras	Samaras 8-8	1484

22046	7590	06/26/2006	

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EXAMINER
PHAN, TRI H

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	**Applicant(s)**
Office Action Summary		09/980,288	SAMARAS ET AL.
		Examiner	**Art Unit**	
		Tri H. Phan	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 November 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _1-3 and 5-6_ is/are rejected.

7)☐ Claim(s) _4 and 7_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _11/29/2001_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1.   This Office Action is in response to the Preliminary Amendment filed on November 29th,

2001. Claims 1-7 are now pending in the application.

Priority

2.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers

have been placed of record in the file.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bruhn, Stefan (U.S.6,256,487; hereinafter refer as '**Bruhn**').

- In regard to claims 1 and 5, **Bruhn** discloses, *a method, of encoding at least two sets of*

data bits into a single encoded block, wherein each set of data bits includes a primary set of bits

to be encoded and a secondary set of bits to remain unencoded (for example see figures 2A, 3A-B; wherein the 182 class I bits is the *"primary set of bits"* being encoded by the channel coder 32 and the 78 class II bits is the *"secondary set of bits"* remaining unencoded; and wherein the figure 3A provides a system with different speech coders and channel coders for different codec modes as disclosed in col. 6, lines 7-32; thus, different sets of data bits are encoded and combined by using the multiplexers 50 and 52, e.g. *"encoding at least two sets of data bits into a single encoded block"*), *wherein the encoding technique requires a set of code terminating bits to be added to the primary set of bits* (for example see figure 2B; col. 6, lines 2-6; wherein the four tail bits, e.g. "set of code terminating bits", is added into the class 1B bits), *the method comprising combining the two sets of primary bits* ('50 class 1A' and '132 class 1B' in figure 2B); *and encoding the combined two sets of primary bits* (wherein the combination of the '50 class 1A' and '132 class 1B' in figure 2B is encoded into the '378 coded bits'), *whereby one set of code terminating bits is added to the combined two sets of primary bits* (where the '4 tail bits' is added in figure 2B). **Bruhn** does discloses the system with different speech coders and channel coders for different codec modes as disclosed in figures 3A-B (*"input means, encoding means and output means"*); but fails to disclose wherein the two sets of data bits are encoded by *"an encoder"*. However, it is obvious that different channel coders for different rates as disclosed in figures 3A-B can be implementing into a single channel coder, e.g. *"an encoder"*, as disclosed in figure 2A, since different rates are just different functions implementing in the coder.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement different coders for different rates as taught by **Bruhn** into

a single channel coder, with the motivation being to optimize cost and space for the multiple

codec modes system.

- Regarding claims 2-3 and 6, **Bruhn** further discloses, *wherein the two sets of data bits*

each include a header portion and a payload portion, the payload portion comprising encoded

speech (for example see figure 2A; where the class 1A 50 bit and class 1B 132 bit are the

"*header portion*"; and the class 2 78 bit is the "*payload portion comprising encoded speech*");

and wherein the at least two sets of data bits are encoding by the channel encoder (for example

see figure 3A-B; wherein speech frames are encoding with different speech coders and channel

coders for different codec modes) *for transmission on a packet switched network* (for example

see figure 1).

Allowable Subject Matter

5.   Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

The following is an Examiner's statement of reasons for allowance:

Substantially regarding claim 4, the prior art of record further fails to disclose the method

for use in an EDGE network, wherein voice signal are coded in the form of a set of bits, which

comprises a primary and secondary sets of bits encoded into a single RLC/MAC block.

Substantially regarding claim 7, the prior art of record also fails to show the encoder for

encoding voice signal are coded in the form of a set of bits, which comprises a primary and

secondary sets of bits encoded into a single RLC/MAC block.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Yoshida, Makoto (U.S.5,729,526), **Shinha et al.** (U.S.6,405,338) and **Demetrescu et al.**

(U.S.6,987,813) and **Van Nobelen et al.** (An adaptive radio link protocol with enhanced data

rates for GSM evolution"; Personal Communications, IEEE [see also IEEE Wireless

Communications] Volume 6, Issue 1, Feb. 1999 Page(s):54 – 64) are all cited to show devices

and methods for improving the header encoding for packets in the telecommunication

architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The

examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

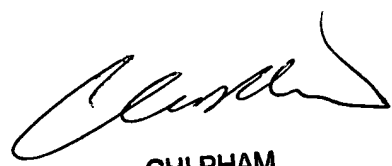**or faxed to:**

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street,

Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office, whose telephone

number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri H. Phan
June 21, 2006

CHI PHAM
SUPERVISORY PATENT EXAMINER